DEPARTMENT OF STATE AIRGRAM

MAR 5 1971

Lt. Robert J. Dempsey
Director, Legal Division
New York City Police Department
240 Centre Street
New York, New York 10013

Dear Lt. Dempsey:

I wish to thank you for taking the time to meet with me and the rest of the group on March 1. It was helpful for me to hear your views on the various relevant topics, and also to make this personal contact.

I enclose for your reference a sheet listing the members of the coordinating committee formed at our meeting, so that all agencies involved will be using the same points of contact. While I undoubtedly will be returning to New York from time to time to meet with the group, contact generally should be made with Mr. Kuttner at USUN, who, if it appears necessary, will contact Washington.

Following our meeting I have spoken with the people at our Mission to the United Nations and have encouraged them (1) to revive cooperation under the 1966 agreement whereby USUN officers may act as complainants in trespass cases and (2) to continue efforts to persuade Soviet personnel to act as complainants, appear in court and testify when it in fact appears necessary in order to facilitate prosecutions. I am hopeful that the result will be that you meet with increased cooperation on our part, and on the part of Soviet personnel, and I presume that any difficulties in either respect will be brought to my attention.

The one particular item that did bother me at the recent meeting was the apparent inclination on the part of your Department as well as the New York County District Attorney, to favor cessation of current blocking off of

67th Street. It seems to me that its blocking off, at least with respect to identifiable JDL demonstrations and JDL personnel, is constitutionally justifiable even in the absence of a "special event" such as a Four Power meeting at the Soviet Mission, in light of the demonstrated propensity of the JDL to use such demonstrations for violent outbursts. I am aware of the fact that you successfully resisted a move by the JDL for a preliminary injunction enjoining your Department from regulating JDL picketers at the site of the Mission, the decision being handed down by Judge Murtagh in New York County Supreme Court (appearing in August 8, 1969 New York Law Journal). You also have just won a conviction against Kahane in a case which apparently turned on the reasonability of the blockage, although I understand that the extra element of a Four Power meeting was present. I am enclosing a copy of a memorandum previously prepared in this office outlining the United States obligations under international law to preserve the dignity of foreign missions and th protect their personnel, in the hope that it may be of some assistance to you. I would urge upon you the closest consultation with Mr. Kuttner at USUN, and through him with this office, in the event you should consider permitting JDL demonstrations in close proximity to the Soviet Mission.

Thank you once again for your cooperation and assistance. Your Department probably has the toughest job of any involved in this whole problem, and I hasten to express our appreciation for your work. Please do not hesitate to be in touch with us regarding any problems you may wish to discuss with us.

Sincerely,

Charles N. Brower
Assistant Legal Adviser
for European Affairs

Enclosures

cc: Mr. Kuttner

L/EUR: CN Brower